

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	
	:	Criminal Action No. 1:00-CR-4
v.	:	
	:	(Chief Judge Kane)
NAKIA JEFFRIES,	:	
Defendant	:	

ORDER

WHEREAS, Jeffries has moved, pro se, for the modification of his sentence on the grounds that Amendment 9 of the 2007 amendments to the United States Sentencing Guidelines, effective November 1, 2007,¹ would reduce his sentence;

AND WHEREAS, the United States Sentencing Commission has not yet specified in U.S.S.G. § 1B1.10(c) whether trial courts may retroactively apply the amendment;

AND WHEREAS, 18 U.S.C. § 3582(c)(2) does not authorize the Court to reduce a defendant's sentence on the basis of an amendment not listed in § 1B1.10(c), see United States v. Thompson, 70 F.3d 279, 281 (3d Cir. 1995) (stating that 18 U.S.C. § 3582(c)(2) "directs the Court to the policy statement, and the policy statement provides that an amendment not listed in subsection (c) may not be applied retroactively pursuant to 18 U.S.C. § 3582(c)(2).");

ACCORDINGLY, on this 4th day of December, 2007, **IT IS HEREBY ORDERED THAT** Jeffries's motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (Doc. No. 63) is **DENIED** without prejudice to refile.

s/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania

¹ See Sentencing Guidelines for the United States Courts, 72 Fed. Reg. 28,558, 28,571 (May 21, 2007); 72 Fed. Reg. 51,882 (Sept. 11, 2007).